

# Dole Involved In 'Creeper' Suit

By VICKI BARKER  
Herald Staff Writer

SALT LAKE CITY — U.S. Secretary of Transportation Elizabeth Dole on Tuesday became the latest party involved in litigation over the Heber Creeper steam train.

Dole, acting in a non-partisan role, will be asked to name five people for the court to consider in naming a trustee of the railroad estate while the Timpanogos Preservation Society reorganizes in Federal Bankruptcy Court.

TPS ran the train until litigation over ownership of the railroad that erupted in 1982 put the Heber Creeper in court receivership while legal issues are resolved.

The non-profit Deer Creek Scenic Railroad Co. has been operating the recreational train under a lease with the court receiver.

Fourth District Court ruled in 1983 that the train be returned to Lowe and June Ashton of Heber City. The Ashtons and two corporations sued to

regain ownership on various claims, including mismanagement and fraud.

TPS plans to appeal the ruling but first decided to reorganize in bankruptcy court. TPS in November is scheduled to present a reorganization proposal and plan to pay its debts.

One party interested in taking over TPS is Bridal Veil Falls, Inc., which argued Tuesday in court in favor of the reorganization plan.

Judge John H. Allen denied Attorney Andrew Buffmire's motions to dismiss the case from federal bankruptcy court and to declare TPS bankrupt. Buffmire represented the Ashtons, et al.

Allen instructed TPS Attorney Stan Smith to ask Secretary Dole for names of prospective trustees.

"I don't know what interest Secretary of Transportation Elizabeth Dole would have in this, but I think we should go to her," Allen said.

Bill Stillgebauer, estate administrator for the bankruptcy court, said the judge's action



Heber Creeper traveled from Heber to Vivian Park this year.

could take the recreational railroad out of the hands of current court receivership.

"Normally, with the appointment of a trustee in a bankruptcy case, the receiver is

removed and the trustee steps in. The trustee's duties are to replace management, and the normal scope of things is the trustee takes over the debtor's affairs," Stillgebauer said.



# Dole will suggest leader for 'Creeper'

United Press International / 6-22-84

Transportation Secretary Elizabeth Dole will be asked to name people who can run the Heber Creeper tourist train in Heber City.

She will be asked to name five people for the U.S. Bankruptcy Court to consider in naming a trustee of the railroad while the Timpanogos Preservation Society, its present owner, reorganizes.

The group ran the train until litigation over ownership put the tourist attraction in court receivership.

The non-profit Deer Creek Scenic Railroad Co. has been operating the recreational train under a lease with the court receiver.

A Utah 4th District judge in 1983 ordered the train be returned to former owners Lowe and June Ashton of Heber City. The Ashtons and two corporations had sued Timpanogos and Monte Bona, train company trustee, to regain ownership, complaining of fraud and mismanagement.

The society said it will appeal the ruling and decided to

reorganize in bankruptcy court. In November, Timpanogos is to present a reorganization proposal along with a plan to pay its debts.

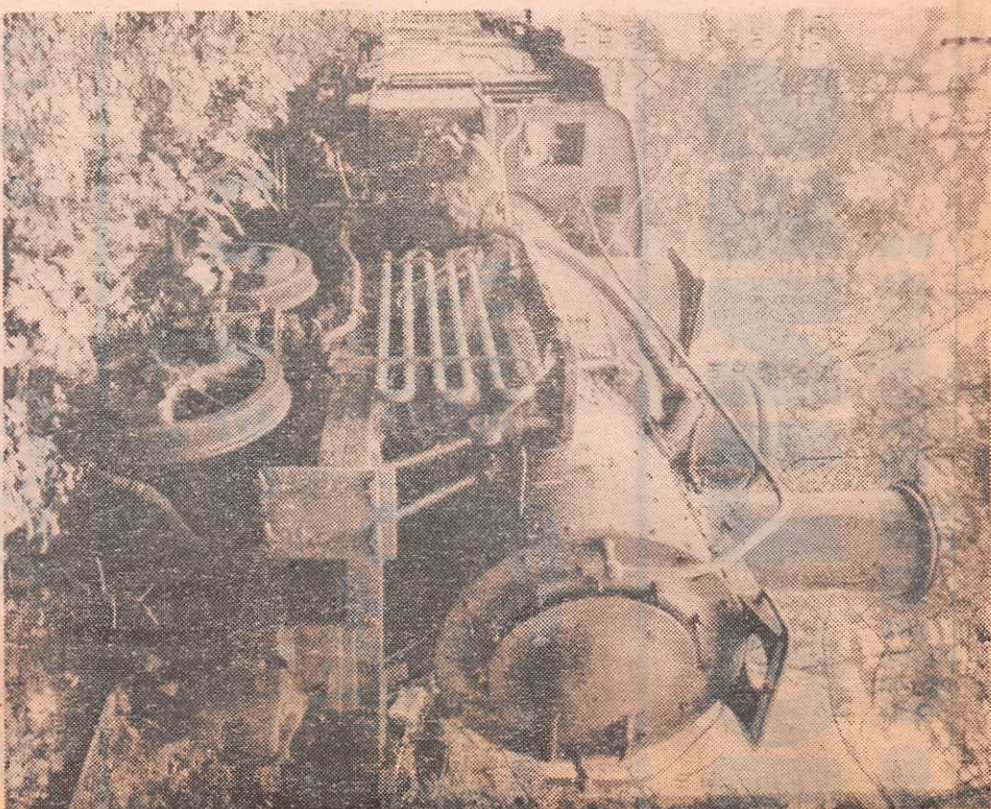
Bankruptcy Judge John Allen has denied motions by the Ashtons' attorney, Andrew Buffimire, to dismiss the case from bankruptcy court and to declare Timpanogos' bankruptcy.

Allen instructed Timpanogos attorney Stan Smith to write Dole for names of prospective trustees. "I don't know what interest Secretary of Transportation Elizabeth Dole would have in this, but I think we should go to her," Allen said.

Bill Stillgebauer, a state administrator for the bankruptcy court, said the judge's action could take the Heber Creeper out of the current receivership.

"Normally, with the appointment of a trustee in a bankruptcy case, the receiver is removed and the trustee steps in," he said. "The trustees' duties are to replace management, and the normal scope of things is the trustee take over the debtor's affairs."



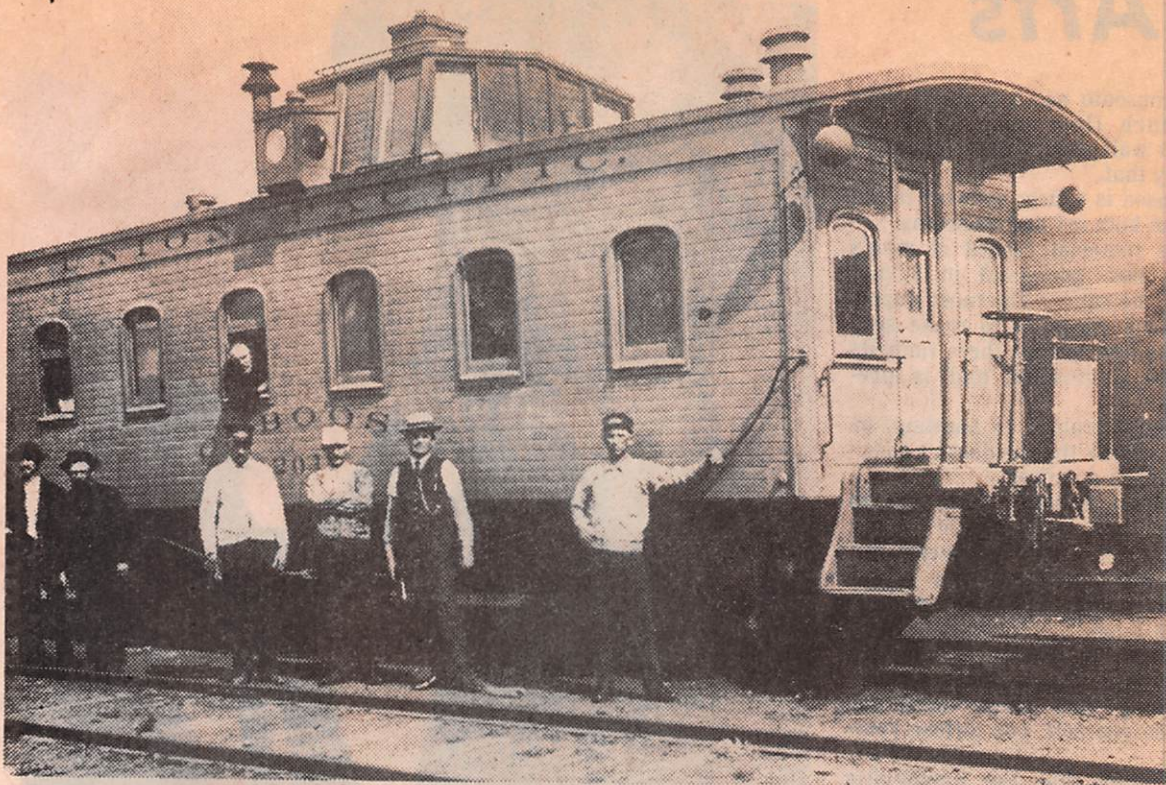


AP photo

## Life in the old puffer yet

The Puget Sound Railway Historical Association hopes to restore this old steam locomotive to working order for its Puget Sound and Snoqualmie Valley Railroad between Snoqualmie Falls and North Bend, Wash. After a thorough face lift, the old puffer will take its place among 100 pieces the association hopes can be restored to working order.





This Union Pacific caboose was photographed in 1898. The basic design has remained unchanged over the years although their functions have been eliminated by advanced technology.

# Caboose Disappearing From Nation's Railways

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"Caboose."

A strange word for a strange railroad car that somehow survived for more than 100 years from the days of oil-burning lamps to the computer age.

Origins of the car and the word are surrounded by as much legend as fact.

One popular version dates the word back to the description of a ship's galley derived from the Dutch word "kabuis."

The use of cabooses started in the 1830s when railroads housed trainmen in boxcars or flatcars with shanties built on them.

The addition of the cupola — the lookout post atop the car — is attributed to a conductor who discovered in 1863 that he could see his train much better if he sat atop the cupola and watched through the hole in the roof of his boxcar.

Caboose served several functions. It was an office for the conductor. A "waybill" followed the car from origin to destination. The conductor kept the paperwork in the caboose.

The car also carried a brakeman and a flagman.

In the days when trains did not have automatic air brakes the engineer signaled the caboose with his whistle when he wanted to slow down or stop. The brakeman would climb out of the caboose and make his way forward on the tops of the cars, twisting the brakewheels by using a stout club. A brakeman riding the engine would work his way toward the rear.

Once the train was stopped, the flagman would get off the caboose and walk back a safe distance with lanterns, flags and other warning devices to stop any approaching

trains.

Underway, the trainmen would sit up in the cupola and watch for smoke from overheated wheel journals, called hotboxes, or other signs of trouble.

It was common for railroads to assign a caboose to a conductor for his exclusive use. Conductors took great pride in their cars — despite the derogatory nicknames including "crummy, doghouse, bone-breaker, snake wagon and hearse."

Conductors would decorate the interior of their cars with many touches of home, including curtains, family photos and, most importantly, ingredients for cooking meals that became a part of American folklore.

The car served as a "home away from home" for crewmen who slept in the car on trips away from their home terminals.

Caboose became a uniquely American tradition. Overseas, their use was rare or eliminated many years ago.

Even in the United States technological change began eliminating the need for cabooses before the turn of the century.

The spread in the 1880s of the automatic air brake system invented by George Westinghouse eliminated the need for brakemen to manually set brakes.

Air brakes were soon followed by the use of electric track circuits to activate signals providing protection for trains and eliminating the need for flagmen.

Trains became longer, making it difficult for the conductor to see his train from the caboose. Freight cars became so high they blocked the view from the traditional cupola.

Friction bearings were replaced by roller bearings, reducing overheated journals and making visual detection of smoke unlikely.

The heavy fast trains made on-board cooking hazardous and unnecessary. Cabooses were put into "pools" and not assigned to individual conductors.

New labor agreements reduced hours of service and eliminated the need for sleeping quarters in cabooses as a result of lodging provided by the company.

Electronic "hotbox" and dragging equipment detectors were installed along main lines, which could check moving trains more efficiently and reliably than men in cabooses.

Computers eliminated the conductor's paperwork.

Caboose became expensive anachronisms.

And now cabooses are disappearing from Utah's railways. Union Pacific has begun eliminating cabooses on freight trains running between Los Angeles and Salt Lake City. The first major railroad in the United States to eliminate cabooses was the Florida East Coast Railway. Because of the technological advances and sweeping local labor changes, FEC dropped the cars in 1972.

By the fall of 1982 the nation's other major railroads and the United Transportation Union, which represents the trainmen who ride in cabooses, reached agreement on guidelines to begin eliminating the cars.

Studies by the Interstate Commerce Commission and a Presidential Emergency Board, which was appointed to settle the labor situation, concluded cabooses could be safely eliminated.

*Feb 1985*